

CLERK US DISTRICT COURT
NORTHERN DIST. OF TX.
FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION

2012 MAY 14 PM 3:47

DEPUTY CLERK 

JUAN GARCIA PALOMO,
Plaintiff,

v.

TOMMY NORWOOD, *et al.*,
Defendants.

Civil No. 7:12-CV-069-O-BL

REPORT AND RECOMMENDATION

Plaintiff has submitted a letter to the Clerk of Court (Doc. No. 5) which has been entered on the docket as a motion to dismiss this action. In his letter, Plaintiff indicates that he did not intend to file a new lawsuit. Plaintiff's letter is hereby construed as a request for dismissal filed pursuant to Rule 41, Federal Rules of Civil Procedure. Upon consideration of the papers and pleadings filed in this action, the Court finds that dismissal in accordance with Plaintiff's request is appropriate.

For the foregoing reasons, I recommend that Plaintiff's request for dismissal be GRANTED and that this case be DISMISSED without prejudice pursuant to Rule 41(a)(2).

A copy of this report and recommendation shall be served on all parties in the manner provided by law. Any party who objects to any part of this report and recommendation must file specific written objections within 14 days after being served with a copy. *See* 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b). In order to be specific, an objection must identify the specific finding or recommendation to which objection is made, state the basis for the objection, and specify the place in the magistrate judge's report and recommendation where the disputed determination is found. An objection that merely incorporates by reference or refers to the briefing before the magistrate judge is not specific. Failure to file specific written objections will bar the aggrieved party from appealing

the factual findings and legal conclusions of the magistrate judge that are accepted or adopted by the district court, except upon grounds of plain error. *See Douglass v. United Services Automobile Ass'n*, 79 F.3d 1415, 1417 (5th Cir. 1996).

SO ORDERED this 4th day of May, 2012.



E. SCOTT FROST
UNITED STATES MAGISTRATE JUDGE